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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LOD) NO.1966 OF 2007

MPIL Corporation Ltd. (Formerly known as Mather & Plat (India) Ltd. ..Petitioner.

V/s.

Union of India & Anr. ..Respondents.

Mr.D.B.Shroff, senior counsel i/b. Sonal Doshi & Co. for petitioner.

Mr.P.S.Jetly with A.S.Rao for respondents.

CORAM : F.I.REBELLO AND J.P.DEVADHAR, JJ.

DATED : 4TH OCTOBER, 2007.

P.C. :-

When the petition came up for hearing, on behalf of the respondents, learned counsel produced an order dated 20th November, 2001. It is pointed out that the demand and recovery is in respect of this order and not the order dated 16/2/2006 which is Exhibit-B to the petition and as amended by the corrigendum dated 29/3/2006. Considering the above, the petition as filed would not be maintainable in so far as demand which is sought to be quashed.

2. It is the case of the petitioner that the said order has not been served upon them. It is the case of the respondent that a copy has been served. However, the respondent to make available an

authenticated copy of the order to the petitioner. If the original order is not received by the petitioner, it would be open to the petitioner to prefer an appeal / or any other proceedings on the authenticated copy of the order. This is subject to whatever rights available to the petitioner.

3. Considering the above and to meet the ends of justice, this petition is disposed of by giving following directions.

i) Petitioner to apply to the respondent No.3 for whatever documents he seeks to rely upon. ii) Respondent No.3 to make available all such documents within 7 days thereafter if the same are in their possession and on record. iii) Petitioner on receipt of the documents made available by the respondent No.3 to take whatever steps in law which they are entitled. The order of recovery which is sought to be challenged in this proceedings not to be acted upon and till the expiry of a period of 30 days from the receipt of the documents from the respondent No.3.

4. With the above directions the petition is disposed of.

(J.P.DEVADHAR, J.) **(F.I.REBELLO, J.)**